

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, FEBRUARY 7, 2005**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:09 p.m. on Monday, February 7, 2005, with President Talley presiding.

Councillor Borst led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty, Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 ABSENT:

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Borst welcomed duly elected Councilman Lance Langsford. He stated that Mr. Langsford, a member of the National Guard, has been called to active duty in Bosnia this past year and is currently on a short leave to visit with his wife, Rebecca Langsford, who is filling his Council seat during his tour of duty. Councillor Borst asked if Mr. Langsford could address the Council briefly. Consent was given. Mr. Langsford stated that serving with the Guard has been one of the most rewarding things he has ever done in his life, even though he has received much reward from his roles as firefighter, Councilman and husband. He thanked his wife for serving in his place and doing a great job, and said that military duty is much harder on the families left behind than it is on those called to action. He said that he looks forward to returning in March to

again serve on the Council body, and he understands the tough challenges and decisions that face the City and County in the days ahead.

Councillor Gray recognized community activist Ann Stack. Councillor Mansfield recognized Kerry Manders, Executive Director of the Crooked Creek Community Council. Councillor Speedy introduced Jack Sandlin, Perry Township Trustee, and David Miller, an attorney in Perry Township. Councillor Cockrum asked for those in attendance to support Proposal No. 647, 2004 to stand and be recognized. Councillor Mansfield asked Smoke-Free Indy representatives in attendance to stand and be recognized.

OFFICIAL COMMUNICATIONS

Appointment of Senior Staff Positions

President Talley stated that the appointments of Aaron Haith as General Counsel and Bart Brown as Chief Financial Officer have been recommended by the Rules and Public Policy Committee. He asked for motions to confirm these appointments.

Councillor Gray moved, seconded by Councillor Gibson, to approve the appointment of Aaron Haith as General Counsel. The motion carried by a unanimous voice vote.

Councillor Gray moved, seconded by Councillor Moriarty Adams, to approve the appointment of Bart Brown as Chief Financial Officer. The motion carried by a unanimous voice vote.

Clerk of the Council

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, February 7, 2005, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Steve Talley
President, City-County Council

January 25, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Wednesday, January 26, 2005, a copy of a Notice of Public Hearing on Proposal Nos. 29 and 31, 2005, said hearing to be held on Monday, February 7, 2005, at 7:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

February 7, 2005

February 7, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, February 4, 2005, a copy of a Notice of Public Hearing on a proposal for an ordinance to the county income tax council, said hearing to be held on Wednesday, February 16, 2005 at 7:00p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

February 1, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 6, 2005 – approves an increase of \$8,500 in the 2005 Budget of the Department of Parks and Recreation (Non-lapsing Federal Grants Fund) to support the reforestation and vegetation restoration at Cottonwood Lakes and reforestation at Southwestway Park, financed by a federal grant from the United States Fish and Wildlife Service

FISCAL ORDINANCE NO. 7, 2005 – approves an increase of \$250,000 in the 2005 Budget of the Department of Parks and Recreation (Federal Grants Fund) to fund the 2005 Summer Lunch program, financed by a federal grant from the United States Department of Agriculture

FISCAL ORDINANCE NO. 8, 2005 – approves an increase of \$1,000,000 in the 2005 Budget of the Department of Parks and Recreation (Park General Fund) for construction of a new nature center at Eagle Creek Park, financed by a grant from the Lilly Endowment

FISCAL ORDINANCE NO. 9, 2005 – approves an increase of \$155,423 in the 2005 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), to fund the 2005 salary and benefits of the Urban Search & Rescue (US & R) Task Force Coordinator, and to purchase rescue equipment, clothing supplies, and other equipment, financed by a grant from the Department of Homeland Security/Federal Emergency Management Agency and a transfer between characters

FISCAL ORDINANCE NO. 14, 2005 – approves an increase of \$263,775 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund), to fund technical assistance to Family Justice Centers and to fund the Super Achilles unit, dedicated to arresting the most violent criminals in Marion County, financed by federal grants from the US Department of Justice

GENERAL ORDINANCE NO. 2, 2005 – authorizes intersection controls for Lantern Road and Lantern Forest Court (District 12)

GENERAL ORDINANCE NO. 3, 2005 – authorizes parking restrictions on Meridian Street near Bluff Avenue

SPECIAL RESOLUTION NO. 4, 2005 – recognizes the Class 5A Warren Central Warriors for their second straight State Football Championship Victory

SPECIAL RESOLUTION NO. 5, 2005 – recognizes Mr. Jim Wade and the Council's most recent board members Councillors Bob Cockrum and Lonnell Conley, for their efforts with the Indianapolis-Scarborough Peace Games

SPECIAL RESOLUTION NO. 6, 2005 – recognizes Mexican Public Safety officials for their participation in an exchange program with the Indianapolis Fire Department and the Indianapolis Police Department

SPECIAL RESOLUTION NO. 7, 2005 – an inducement resolution for Herman & Kittle Properties, Inc. in an amount not to exceed \$14,000,000, which consists of a new 248-unit apartment to be named "Washington Pointe Apartments" located at 10601 East 10th Street (District 21)

Respectfully,
s/Bart Peterson, Mayor

**COUNCIL PRESIDENT ESTABLISHES
SPECIAL COMMITTEE ON
CHILDREN'S HEALTH AND ENVIRONMENT**

WHEREAS, the future well being and continued growth of Indianapolis as a world class city depends largely on the health and welfare of those least able to help themselves, namely our children; and

WHEREAS, numerous studies have found that many commonly accepted practices with household products, tobacco smoke, lead based paint, mercury and other day-to-day environmental factors are major contributors to disease, impaired development and poor health among our constituents; and

WHEREAS, people at special risk to such environmental hazards include infants, young children, nursing mothers, the elderly, and individuals suffering from impaired health conditions; and

WHEREAS, the Council President desires to establish a special committee for the following purposes: 1) to consider all proposals referred to the special committee; 2) to hold regular public meetings and to hear testimony and public comment the chairperson deems necessary; 3) to determine the impact chemicals, habits and practices have on our community and the health of its residents; 4) to propose changes in our codes, including agencies charged with protecting the public health, as is deemed necessary to limit continued exposure to such hazards; 5) to report its findings to the community and to the full council; 6) recommend public or private voluntary action; and 7) to recommend long range planning, or other action designed to achieve these goals.

NOW, THEREFORE, the Council President, pursuant to Sec. 151-32, *Revised Code of the Consolidated City and County*, hereby declares:

1. The establishment of the special committee, Children's Health and Environment Committee.
2. The Children's Health and Environment Committee is established for the following purposes: 1) to consider all proposals referred to the special committee; 2) to hold regular public meetings and to hear testimony and public comment the chairperson deems necessary; 3) to determine the impact chemicals, habits and practices have on our community and the health of its residents; 4) to propose changes in our codes, including agencies charged with protecting the public health, as is deemed necessary to limit continued exposure to such hazards; 5) to report its findings to the community and to the full council; 6) recommend public or private voluntary action; and 7) to recommend long range planning, or other action designed to achieve these goals.
3. The Children's Health and Environment Committee shall remain in effect until the Council President determines that the special purposes have been achieved.
4. The Children's Health and Environment Committee is established effective upon the date signed by the Council President.

Dated February 1, 2005

s/Steve Talley
President, City-County Council

February 7, 2005

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

You are hereby notified that a SPECIAL MEETING of the City-County Council will be held in the City-County Building in the Council Chambers on **Tuesday, February 22, 2005, at 7:00 p.m.** The purpose of such MEETING being to consider any proposals for adopting A SPECIAL RESOLUTION of the City-County Council of Indianapolis and of Marion County, Indiana proposing an ordinance of the Marion County Income Tax Council rescinding its prior ordinance which froze the rate of the County Option Income Tax at the rate in effect as of January 1, 1990, to increase the rate of the County Option Income Tax effective July 1, 2005, and to cast the vote of the City-County Council on said ordinance. Members of the public will be invited to make comment prior to the vote on the special resolution.

Respectfully,
s/Steve Talley, President
City-County Council

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of January 24, 2005. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 61, 2005. The proposal, sponsored by Councillors Bowes and Mahern, recognizes Indiana University Men's Soccer team on their national championship. Councillor Bowes read the proposal and presented Coach John Swan with a copy of the document and a Council pin. Coach Swan thanked the Council for the recognition. Councillor Bowes moved, seconded by Councillor Mahern, for adoption. Proposal No. 61, 2005 was adopted by a unanimous voice vote.

Proposal No. 61, 2005 was retitled SPECIAL RESOLUTION NO. 9, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 9, 2005

A SPECIAL RESOLUTION recognizing Indiana University Men's Soccer team on their national championship.

WHEREAS, the Indiana University Hoosiers defeated the University of California Santa Barbara (UCSB) by a margin of 3-2 in a penalty kick shootout to clinch the NCAA Men's College Cup; and

WHEREAS, the win marks the second straight title for the Men's Hoosier Soccer Team and earned the Hoosiers their seventh overall NCAA soccer title; and

WHEREAS, with much excitement and enthusiasm the Hoosiers won the game after the two teams were tied 1 – all after regulation and two 10-minute overtime periods; and

WHEREAS, although second-seeded, the Hoosiers took the lead in the 28th minute of the game; and

WHEREAS, the Hoosiers had a record of 19-4-1 during the soccer season; and

WHEREAS, the Indiana University Men's Soccer Team has been, and continues to be, a positive role model for more than 65,000 children who play soccer in Indiana, now, therefore

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates the Indiana University Men's Soccer Team for bringing home another championship win.

SECTION 2. The Council wishes continued success to the team, coaches and University.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 62, 2005. The proposal, sponsored by Councillors Bowes and Mahern, recognizes Notre Dame Women's Soccer Team for their NCAA Division I Championship win. Councillor Bowes read the proposal and presented William McGowan, board member, with a copy of the document and a Council pin. Mr. McGowan thanked the Council on behalf of the team. Councillor Bowes moved, seconded by Councillor Mahern, for adoption. Proposal No. 62, 2005 was adopted by a unanimous voice vote.

Proposal No. 62, 2005 was retitled SPECIAL RESOLUTION NO. 10, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 10, 2005

A SPECIAL RESOLUTION recognizing Notre Dame Women's Soccer Team for their NCAA Division I Championship win.

WHEREAS, Notre Dame, also known as the Fighting Irish, won the NCAA women's soccer championship by beating the University of California Los Angeles (UCLA) in a 4-3 game; and

WHEREAS, the Fighting Irish, with a record of (25-1-1), also won the national title in 1995; and

WHEREAS, this makes the fifth trip to the title game for the Fighting Irish; and

WHEREAS, Notre Dame women's soccer team joins North Carolina as the only women's soccer teams to be multiple champions; and

WHEREAS, with the quick skills of the team, the Fighting Irish were able to outscore their five previous tournament opponents; and

WHEREAS, credit should be given to the players that calmly passed through tight spaces in the midfield which resulted in the Fighting Irish win; and

WHEREAS, the Fighting Irish won the championship on penalty kicks after the two teams had been tied 1-1 through 110 minutes of regulation and overtime; and

WHEREAS, the Notre Dame Women's Soccer Team has been, and continues to be, a positive role model for more than 65,000 children who play soccer in Indiana, now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council congratulates Notre Dame Women's Soccer team on an outstanding year.

SECTION 2. The Council wishes the team, coaches and university continued championship wins.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 63, 2005. The proposal, sponsored by Councillor Pfisterer, honors Clyde Pfisterer for over 45 years of service with the Indianapolis Fire Department. Councillor Pfisterer read the proposal and presented Mr. Pfisterer with a copy of the document and a Council pin. Mr. Pfisterer said that it has been an honor to work for the citizens of this great city and he intends to continue to teach and be involved. Councillor Randolph thanked Mr. Pfisterer for giving a lifetime to public service. Councillor Pfisterer moved, seconded by Councillor Randolph, for adoption. Proposal No. 63, 2005 was adopted by a unanimous voice vote.

Proposal No. 63, 2005 was retitled SPECIAL RESOLUTION NO. 11, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 11, 2005

A SPECIAL RESOLUTION honoring Clyde Pfisterer for over 45 years of service with the Indianapolis Fire Department.

WHEREAS, Mr. Pfisterer served 45 years and eight months on the Indianapolis Fire Department before his retirement on December 16, 2004; and

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WHEREAS, he worked to ensure positive IFD public relations programs by participating in the 500 Festival Parade in 1960, assisting with photo awards and annual stew nights, conducting demonstrations at Victory Field each year, and volunteering in the Indianapolis Fire Department's cook off; and

WHEREAS, the firefighters union benefited from his service through his efforts to rebuild the union hall, establish a political action committee, fight for pay raises, and improve insurance coverage; and

WHEREAS, his creation of the High Rise Operations Guide, emergency planning for businesses and preplanning for high rise buildings is now used across the country; and

WHEREAS, Mr. Pfisterer understands the value of life long learning by being the oldest graduate of the fire science degree program at Ivy Tech State College in May 1995 and currently serves as an adjunct instructor for the National Fire Academy; and

WHEREAS, other career accomplishments include being a founding member of the IFD Arson Squad with a conviction rate of over 90%, authoring ordinances on vacant structures, assisting in the development of the Annual Memorial Service for Fallen Firefighters and being named as Fire Service Firefighter of the Year in 2003; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council thanks Mr. Pfisterer for his dedication and hard work on the Indianapolis Fire Department and to the citizens of Marion County, the State of Indiana and the entire country.

SECTION 2. The Council is appreciative of Mr. Pfisterer for using his knowledge and skills to implement initiatives that have saved many lives.

SECTION 3. The Council wishes Mr. Pfisterer and his wife, Councillor Marilyn Pfisterer, the best as they enjoy his retirement.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 65, 2005. The proposal, sponsored by Councillor Bradford, recognizes the life and public service of Mrs. Anita B. Platte. Councillor Bradford read the proposal and stated that it will be offered to Ms. Platte at her 94th birthday celebration this coming week. Councillor Bradford moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 65, 2005 was adopted by a unanimous voice vote.

Proposal No. 65, 2005 was retitled COUNCIL RESOLUTION NO. 35, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 35, 2005

A COUNCIL RESOLUTION recognizing the life and public service of Mrs. Anita B. Platte.

WHEREAS, Mrs. Platte was born February 10, 1911 and is celebrating 94 years of life at a special gathering on February 10, 2005; and

WHEREAS, a member of the Republican Party since 1932, Mrs. Platte has served as a delegate for the state convention, a precinct committeewoman, president of the Republican Women's Workshop (both for Marion County and the State of Indiana), and as a board member for the League of Women Voters; and

WHEREAS, in the 1950's, Mrs. Platte worked on the "Ike for President" campaign and was later a member of a group called Women for Nixon; and

WHEREAS, Mrs. Platte has received numerous certificates of appreciation from Senators and Presidents, including the Certificate of Outstanding Commitment, Champion of Traditional Values,

Republican Congressional Order of Freedom, Distinguished Member of the National Republican Senatorial Committee, and Member of the Republican Senatorial Inner Circle; and

WHEREAS, after being named Republican Woman of the Year for Morgan County in the 1970's, Mrs. Platte returned to the Irvington area and still remains active helping with voter registration at American Village on Indianapolis' east side; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the life and public service of Mrs. Anita B. Platte.

SECTION 2. The Council wishes Mrs. Platte a very special 94th birthday celebration and appreciates her many years of dedicated service to the community.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 647, 2004. The proposal, sponsored by Councillors Borst, Cockrum, Day and Speedy, opposes the proposed I-69 route through Perry Township. Councillor Boyd deferred to Councillor Borst, as sponsor of the proposal, to give the report. Councillor Borst reported that the Rules and Public Policy Committee heard the proposal on February 1, 2005 and recommended passage, as amended, by a vote of 5-2.

Councillor Borst said that this proposal is very important to the people in Perry Township, as it would divide the township. With so few east and west streets, this would cause a problem for public safety and emergency vehicle travel, and will affect businesses and homeowners, as well as affecting the largest Wellfield in Indiana. He said that this proposal only deals with the portion of the route that goes through Perry Township. Councillor Boyd added that the proposal was amended to a Council Resolution to signify an action of support only on the part of the Council, which will then be referred to the State so that they are aware of the viewpoint of local citizens and officials.

Councillor Sanders stated that while this resolution speaks specifically to Perry Township, her vote to support the proposal is her affirmation on behalf of all residents and support of free trade. She said that these routes will affect jobs and cause job loss, and she hopes this resolution can influence those who make the final decisions.

Councillor Borst asked that a letter be sent to the director of the Indiana Department of Transportation and the Governor in order to make them aware of this action by the Council. He said that he would have hoped it could have remained a Special Resolution and the Mayor would sign off on it, but perhaps the Mayor could show his support for the citizens in another way.

Councillor Borst moved, seconded by Councillor Speedy, for adoption. Proposal No. 647, 2004 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Borst, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*
2 NAYS: *Bowes, Gray*

Proposal No. 647, 2004 was retitled COUNCIL RESOLUTION NO. 39, 2005, and reads as follows:

February 7, 2005

CITY-COUNTY COUNCIL RESOLUTION NO. 39, 2005

A COUNCIL RESOLUTION opposing the proposed I-69 route through Perry Township.

WHEREAS, the Indiana Department of Transportation (INDOT) chose to do a “tiered” Environmental Impact Statement (EIS) for the proposed Interstate 69, and at Tier I INDOT selected Alternative 3C which would pass through Perry Township in Marion County; and

WHEREAS, residents, business owners, and elected officials of Perry Townships are opposed to the proposed I-69 route through Perry Township; and

WHEREAS, the proposed Interstate 69 extension routed through Perry Township could adversely affect the quality of life for citizens and business owners of Perry Township, specifically in regard to public safety, water quality, and economic development; and

WHEREAS, as designed, the proposed route 3C divides Perry Township and will not allow public safety vehicles to adequately respond to emergencies in the western portion of Perry Township placing our residents and businesses in jeopardy; and

WHEREAS, that in the proposed I-69 route in Perry Township, there is a recognized Wellfield Protection District which mandates that it is necessary and essential to protect this scarce natural resource to protect public health and economic vitality in Marion County; and

WHEREAS, the economic vitality of Perry Township and Marion County is threatened as property sales and development are currently suffering due to the uncertainty, and there would be a loss of some \$62.1 million of assessed property to Perry Township and Marion County under the proposed 3C route; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council supports the residents and businesses in Perry Township in opposing INDOT’s proposed Alternative 3C through Perry Township.

SECTION 2. The Council further urges the Indiana Department of Transportation to find a different alternative route.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 721, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 721, 2004 on January 26, 2005. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Robert Brown to the Public Safety Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 721, 2004 was adopted on the following roll call vote; viz:

27 YEAS: *Abduallah, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*

0 NAYS:

2 NOT VOTING: *Borst, Day*

Proposal No. 721, 2004 was retitled COUNCIL RESOLUTION NO. 36, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 36, 2005

A COUNCIL RESOLUTION reappointing Robert Brown to the Public Safety Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Public Safety Board, the Council reappoints:

Robert Brown

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 732, 2004. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 732, 2004 on January 19, 2005. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Bruce Curry to the Metropolitan Board of Zoning Appeals, Division II. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mahern moved, seconded by Councillor Gibson for adoption. Proposal No. 732, 2004 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
1 NOT VOTING: Borst

Proposal No. 732, 2004 was retitled COUNCIL RESOLUTION NO. 37, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 37, 2005

A COUNCIL RESOLUTION reappointing Bruce Curry to the Metropolitan Board of Zoning Appeals, Division II.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Board of Zoning Appeals, Division II, the Council reappoints:

Bruce Curry

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 28, 2005. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 28, 2005 on January 26, 2005. The proposal, sponsored by Councillor Moriarty Adams, confirms the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 28, 2005 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
1 NOT VOTING: Borst

Proposal No. 28, 2005 was retitled COUNCIL RESOLUTION NO. 38, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 38, 2005

A COUNCIL RESOLUTION confirming the Marion County Public Defender Board's nomination of David Cook as Marion County Chief Public Defender.

WHEREAS, pursuant to Sec. 286-4 of the "Revised Code of the Consolidated City and County," a Marion County Public Defender Board nomination of the Marion County Chief Public Defender is subject to the annual confirmation of the City-County Council; and

WHEREAS, the Marion County Public Defender Board has submitted to this Council the name of David Cook to serve as Marion Count Chief Public Defender; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. David Cook is approved and reconfirmed by the City-County Council to serve as Marion County Chief Public Defender.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with Ind. Code § 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 42, 2005. Introduced by Councillors Randolph, Day, Pfisterer, Speedy, Cockrum, Bradford, Keller, Borst, Salisbury, Franklin, Cain and Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code requiring the Purchasing Division to adopt rules to give a preference to Indiana businesses pursuant to IC 5-22-15-20"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 43, 2005. Introduced by Councillors Talley and Brown. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which authorizes Robert J. Clifford as an agent to accept pension liability on behalf of the City of Indianapolis and Marion County"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 44, 2005. Introduced by Councillors Boyd, Nytes, Talley, Sanders, Gray, Moriarty Adams, Brown, Bowes, Mahern and Abdullah. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which rescinds a prior ordinance of the Marion County Income Tax Council and increases the County Option Income Tax rate"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 45, 2005. Introduced by Councillors Bowes, Talley, Mansfield and Keller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code by establishing nonsmoking areas"; and the President referred it to the Children's Health and Environment Committee.

PROPOSAL NO. 46, 2005. Introduced by Councillors Pfisterer and Mahern. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which clarifies the powers and responsibilities of various building and construction boards, as well as the duties of certain types of contractors"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 47, 2005. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which transfers territory from the Consolidated City of Indianapolis to the City of Beech Grove"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 48, 2005. Introduced by Councillors Mahern and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which allows permit applications by facsimile machine to allow the division of compliance to withhold issuance of building permits under certain circumstances and makes other technical changes to the Buildings and Construction chapter of the Code to reflect advances and feedback from the industry"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 49, 2005. Introduced by Councillors Moriarty Adams, McWhirter and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$401,210 in the 2005 Budget of the Department of Public Safety, Emergency Management Division (Non-Lapsing State and Non-Lapsing Federal Grants Funds) to purchase equipment for the training of first responders and to continue to develop the Metropolitan Medical response System (MMRS), financed by grants from both the State and Federal Emergency Management Agencies"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 50, 2005. Introduced by Councillors Franklin and Plowman. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$56,180 in the 2005 budget of the Forensic Services Agency (State and Federal Grants Fund) to upgrade the digital imaging capabilities of the forensic illustration section, funded by a grant from the National Institute of Justice under the Paul Coverdell Forensic Science Improvement Grant Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 51, 2005. Introduced by Councillors Talley, Moriarty Adams and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$518,372 in the 2005 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new portable radio equipment, in support of the communications system upgrade, financed by a grant from the Department of Homeland Security/Federal Emergency Management Agency (DHS-FEMA)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 52, 2005. Introduced by Councillors Moriarty Adams, Talley and McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$275,372 in the 2005 Budget of the Department of Public Safety, Police Division (Federal Grants Funds) to provide a regional training seminar on Indy's Approach to Domestic Violence, purchase supplies and equipment for community policing initiatives, and to continue the Internet Crimes Against Children Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 53, 2005. Introduced by Councillor Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's appointment of Michael J. Rogers as hearing officer to preside over administrative adjudication of parking citations"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 54, 2005. Introduced by Councillors Gibson and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the Charter Schools Facility Financing Program, to be administered by the Indianapolis Bond Bank"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 55, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to change the membership on the information technology board"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 59, 2005. Introduced by Councillors Talley, Gray, Boyd and Mahern. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Frank Hagaman to the Metropolitan Board of Zoning Appeals, Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 60, 2005. Introduced by Councillors Boyd, Gray, Talley and Mahern. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints K. Diane Guthrie to the Metropolitan Board of Zoning Appeals, Division III"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 64, 2005. Introduced by Councillors Gray, Talley, Sanders and Brown. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Michael Rodman to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

Councillor Plowman read the following motion:

Mr. President:

I move that Proposal No. 57, 2005 (Rezoning Case 2004-ZON-118) be scheduled for a hearing before this Council at its next regular meeting on March 7, 2005 at 7:00 p.m. and that the General Counsel read the announcement of such hearing and enter same in the minutes of this meeting.

Councillor seconded the motion, and Proposal No. 57, 2005 was scheduled for a public hearing by a unanimous voice vote. Proposal No. 57, 2005 is identified as follows:

2004-ZON-118
5716 EAST STOP 11 ROAD (Approximate Address), INDIANAPOLIS
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #25
PEDCOR INVESTMENTS, by Joseph Calderon, requests a rezoning of 42.6 acres, being in the I-2-S District, to the D-6II classification to provide for multi-family residential development.

General Counsel Aaron Haith read the following:

Mr. President:

This Council will hold a public hearing on Rezoning Petition No. 2004-ZON-118, Council Proposal No. 57, 2005, at its next regular meeting on March 7, 2005, such meeting to convene at 7:00 p.m. in these Council Chambers in the City-County Building in Indianapolis. This petition proposes to rezone 42.6 acres at 5716 East Stop 11 Road from the I-2-S District to the D-6II classification to provide for multi-family residential development.

Written objections that are filed with the Clerk of the Council shall be heard at such time, or the hearing may be continued from time to time as found necessary by the Council.

PROPOSAL NO. 56, 2005, and PROPOSAL NO. 58, 2005. Introduced by Councillor Mahern. Proposal No. 56, 2005, and Proposal No. 58, 2005 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on January 28, 2005. The President

called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 13 and 14, 2005, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 13, 2005.

2004-ZON-148

537 SPRING STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

I R TRANSFORMATIONS LLC, requests a rezoning of 0.2 acre, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to allow for a redevelopment project.

REZONING ORDINANCE NO. 14, 2005.

2004-ZON-835

6500 MILLS ROAD AND 6300 SOUTH HIGH SCHOOL ROAD (Approximate Address), INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT #22.

ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, by Brian J. Tuohy, requests a rezoning of 32.377 acres, being in the D-A District, to the D-5II classification to provide for 81 two-family dwellings.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 29, 2005. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 29, 2005 on January 26, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves an increase of \$13,900 in the 2005 Budget of the Marion County Sheriff (State & Federal Grants Fund) to fund overtime and fringe expenses for task force projects. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Talley called for public testimony at 7:58 p.m.

Reverend Pamela M. Pinkney, citizen, stated that she is disturbed by the discrimination that takes place in this room. She said that the Council is violating her civil rights, which is a crime, and she has filed documents against this body in Federal Court. President Talley stated that Reverend Pinkney's comments are not germane to the subject of Proposal No. 29, 2005.

There being no further testimony, Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal No. 29, 2005 was adopted on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley

0 NAYS:

2 NOT VOTING: Brown, Speedy

Proposal No. 29, 2005 was retitled FISCAL ORDINANCE NO. 19, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 19, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Thirteen Thousand Nine Hundred Dollars (\$13,900) in the State and Federal Grant Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grant Fund and reducing certain other appropriations from that agency.

February 7, 2005

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to fund overtime and fringe expenses for officers working on task force and OCDEF (Organized Crime Drug Enforcement Task Force) projects.

SECTION 2. The sum of Thirteen Thousand Nine Hundred Dollars (\$13,900) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE & FEDERAL GRANT FUND</u>
1. Personal Services	12,965
1. Personal Services - Fringes	935
TOTAL INCREASE	13,900

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>STATE & FEDERAL GRANT FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	13,900
TOTAL REDUCTION	13,900

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 743, 2004. Councillor Nytes, who chaired the Committee in Councillor Sanders' absence, reported that the Administration and Finance Committee heard Proposal No. 743, 2004 on January 4, January 18, and February 1, 2005. The proposal, sponsored by Councillors Salisbury and Talley, creates a nonreverting fund to be known as the "Delinquent Business Personal Property Settlement Fund." By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Gibson asked if until this proposal sunsets, if there will be no more input into how these monies are spent. Councillor Nytes said that this is a dedicated fund and the monies can only be used for contracts related to special assessment practices. She said that the Committee asked the assessors to provide regular reports on these assessments, which they have agreed to do.

Councillor Nytes moved, seconded by Councillor Salisbury, for adoption. Proposal No. 743, 2005 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley*
0 NAYS:
1 NOT VOTING: *Brown*

Proposal No. 743, 2004 was retitled GENERAL ORDINANCE NO. 4, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend the "Revised Code" by the addition of a NEW nonreverting fund to be known as the "Delinquent Business Personal Property Settlement Fund."

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 135, Article II, Division 8 of the "Revised Code of the Consolidated City and County," regarding discretionary nonreverting county funds, hereby is amended by the addition of a NEW Division 8 and Section 135-281, to read as follows:

DIVISION 8. COUNTY MISCELLANEOUS FUNDS

Sec. 135-281. Delinquent business personal property settlement fund.

- (a) There is hereby created an agency fund, to be designated and known as the "delinquent business personal property settlement fund." This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.
- (b) All deposits made under contract for the collection of delinquent business personal property taxes, shall be deposited in the delinquent business personal property settlement fund.
- (c) The fund shall be administered by the county auditor's office. All deposits shall be used solely for the payment of contractual obligations with the balance in the fund to be distributed to the appropriate taxing unit each June and December.
- (d) Notwithstanding the foregoing, the fund shall terminate and be closed on December 31, 2007. Upon termination, all remaining funds shall be distributed in the same manner as provided in subsection (c) of this section.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code 36-3-4-14.

PROPOSAL NO. 26, 2005. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 26, 2005 on February 1, 2005. The proposal, sponsored by Councillors Talley and Nytes, approves the Installment Tax Payment Plan for certain real estate taxes. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Nytes encouraged the viewing audience to contact the Treasurer's Office if they fit into the five categories to take advantage of this payment plan. She said that participation in the plan has been minimal to date, and so many more could probably take advantage of this option.

Councillor Gibson thanked County Treasurer Mike Rodman for reinstating this payment plan. He asked that a letter be sent to the Central Indiana Coalition on Aging to help get the word out to senior adults who might be able to take advantage of the plan.

Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 26, 2005 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 NOT VOTING: Brown

Proposal No. 26, 2005 was retitled SPECIAL RESOLUTION NO. 12, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 12, 2005

A SPECIAL RESOLUTION approving the Installment Tax Payment Plan for certain real estate taxes.

WHEREAS, I.C. 6-1.1-22-9.5 authorizes the County Treasurer, with the approval of the County Auditor, and the City-County Council to petition the Indiana Department of Local Government Finance to approve a schedule of installment payments of real property taxes for certain real estate parcels with a Homestead Credit; and

WHEREAS, the County Treasurer has developed an Installment Tax Payment Agreement to allow eligible taxpayers to pay their real-property taxes in more than two installments as required by I.C. 6-1.1-22-9(a); and

WHEREAS, a copy of this proposed Installment Tax Payment Agreement and Petition to the DLGF is attached, and taxpayers would have to meet all of the criteria 1 – 4 listed on the petition to be submitted to the Indiana Department of Local Government Finance for taxes first due and payable in 2005; and

WHEREAS, taxpayers must meet at least one of the criteria A – E listed on the petition to be submitted to the Indiana Department of Local Government Finance for taxes first due and payable in 2005; and

WHEREAS, the County Treasurer will require eligible taxpayers to sign an Installment Tax Payment Agreement for taxes first due and payable in 2005; and

WHEREAS, the County-County Council approve and recommend a petition to the Indiana Department of Local Government Finance to approve the proposed Installment Tax Payment Agreement; now therefore,

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council approves and recommends the Installment Tax Payment Agreement established by the County Treasurer and County Auditor.

SECTION 2. The City-County Council joins the County Auditor and the County Treasurer in requesting that the Indiana Department of Local Government Finance approve the proposed Installment Tax Payment Agreement.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NO. 27, 2005. Councillor Bowes reported that the Community Affairs Committee heard Proposal No. 27, 2005 on February 1, 2005. The proposal, sponsored by Councillor Sanders, establishes a nonreverting donation fund and petty cash fund for the Marion County Children's Guardian Home. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Boyd stated that although he will support the proposal, he wants to call attention to the fact that the Council has no appropriation responsibility for this fund, and Council members should be aware of that.

Councillor Bowes moved, seconded by Councillor Sanders, for adoption. Proposal No. 27, 2005 was adopted on the following roll call vote; viz:

28 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 NOT VOTING: Brown

Proposal No. 27, 2005 was retitled GENERAL ORDINANCE NO. 5, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 2005

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to create a new nonreverting fund to be known as the "Marion County Children's Guardian Home Donation Fund", and to create a guardian home petty cash fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. Chapter 135, Article II, Division 5 of the "Revised Code of the Consolidated City and County," regarding nonreverting county special agency funds, hereby is amended by the addition of a NEW Section 135-255, to read as follows:

Sec. 135-255. Marion County Children's Guardian Home Donation Fund.

(a) There is hereby created a special fund, to be designated and known as the "Marion County Children's Guardian Home donation fund," in the office of the Marion County Children's Guardian Home (Guardian Home). This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All donations made to the Guardian Home, unless there are specific legal restrictions stated in the donation that it is not to be commingled with county funds, shall be deposited in the Marion County Children's Guardian Home Donation Fund.

(c) The fund shall be administered by the Guardian Home and all donations deposited therein shall be used for the benefit of the children residing at the Guardian Home. Expenditures from this fund shall be made without appropriation.

(d) No less than quarterly financial reports shall be prepared by the Director of the Guardian Home and be reviewed by the Marion County Board of Commissioners.

SECTION 2. Article VIII of Chapter 135 of the "Revised Code of the Consolidated City and County" regarding petty cash funds, hereby is amended by the addition of a NEW Division 5, to read as follows:

DIVISION 5. GUARDIAN HOME'S CASH CHANGE FUND

Sec. 135-851. Created.

Pursuant to IC 36-1-8-3, the council hereby establishes a petty cash change fund in the amount of Three Thousand, Five Hundred Dollars (\$3,500) to be placed in the custody of the Marion County Children's Guardian Home Director, or his or her designee. The petty cash change fund shall be used by the Marion County Children's Guardian Home to make purchases to benefit the children residing in the guardian home.

Sec. 135-852. Administration.

The Three Thousand, Five Hundred Dollars (\$3,500) for the Guardian Home's Petty Cash Fund established under section 135-851 shall be paid by a warrant drawn on the Marion County Children's Guardian Home Donation Fund in favor of the Director of the Guardian Home without the need for an appropriation. The Director shall account for the fund in the manner as described in IC 36-1-8-3(c), and shall return the

February 7, 2005

entire fund to the appropriate fund whenever there is a change in the custodian or when the fund is no longer needed.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with Ind. Code § 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 30 and 32, 2005 on January 26, 2005. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 30, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves a transfer of \$14,882 in the 2005 Budget of the Marion County Sheriff (State & Federal Grants Fund) to fund purchase of supplies and services for the Bomb Vehicle. PROPOSAL NO. 32, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$92,500 in the 2005 Budget of the Marion County Justice Agency (Marion County Drug Free Fund) to pay approved grant expenses for Marion Superior Court and Marion County Prosecutor. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor McWhirter, for adoption. Proposal Nos. 30 and 32, 2005 were adopted on the following roll call vote; viz:

28 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 NOT VOTING: Brown

Proposal No. 30, 2005 was retitled FISCAL ORDINANCE NO. 20, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 20, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring and appropriating an additional Fourteen Thousand Eight Hundred Eighty-two Dollars (\$14,882) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to purchase cabinets, lights, and misc. supplies for the Bomb Vehicle.

SECTION 2. The sum of Fourteen Thousand Eight Hundred Eighty-two Dollars (\$14,882) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>STATE & FEDERAL GRANT FUND</u>
2. Supplies	10,740
3. Other Services & Charges	4,142
TOTAL INCREASE	14,882

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY SHERIFF</u>	<u>STATE & FEDERAL GRANT FUND</u>
4. Capital Outlay	14,882
TOTAL REDUCTION	14,882

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 32, 2005 was retitled FISCAL ORDINANCE NO. 21, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 21, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring and appropriating an additional Ninety-two Thousand Five Hundred Dollars (\$92,500) in the Marion County Drug Free Fund for purposes of the Marion County Justice Agency and reducing certain other appropriations from that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (d) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of transferring money between characters to pay expenses.

SECTION 2. The sum of Ninety-two Thousand Five Hundred Dollars (\$92,500) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>DRUG FREE FUND</u>
1. Personal Services	89,500
1. Personal Services - Fringes	<u>3,000</u>
TOTAL INCREASE	92,500

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>DRUG FREE FUND</u>
3. Other Services & Charges	<u>92,500</u>
TOTAL DECREASE	92,500

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 33, 2005. Councillor Conley reported that the Public Works Committee heard Proposal No. 33, 2005 on February 3, 2005. The proposal, sponsored by Councillors Talley, Brown and Conley, transfers the Indianapolis Fleet Services Division from the Department of Administration to the Department of Public Works. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Schneider asked if any amount of savings has been identified due to this consolidation. Councillor Conley said that this change just makes service more efficient, but he does not know the particular dollar amount of savings involved. Councillor Schneider asked if there is an estimated percentage of savings if there is no dollar amount available. Councillor Conley said that it might be about 20%, but he would have to check for sure.

Councillor Mahern said that he believes there is actually no savings, but the same budget will be in effect. He said that he believes the budget is just being transferred from one department to the other to make things more efficient and he believes the budget will remain level. Councillor Conley said he will check on it, but he believes there is a savings. Councillor Schneider asked if Brenda Burke, director of the Department of Administration, or Jim Garrard, director of the Department of Public Works, could address the question. Ms. Burke said that there should not really be any change in the budget, just a shift of dollars from one department to the next. Mr. Garrard said that they are simply re-aligning core functions, and there will not really be any cost

savings. Councillor Schneider asked when the re-alignment will become effective. Ms. Burke said the change will take place as soon as the Mayor signs the proposal, which will be within the next 10 to 15 days.

Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal No. 33, 2005 was adopted on the following roll call vote; viz:

29 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy
0 NAYS:

Proposal No. 33, 2005 was retitled GENERAL ORDINANCE NO. 6, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to effect the transfer of the fleet services division from the department of administration to the department of public works.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 221-13 of the "Revised Code of the Consolidated City and County," establishing the divisions of the department of administration, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 221-13. Divisions established.

The department of administration shall be composed of the following divisions:

- (1) Administrative services division;
- (2) Human resources division; and
- (3) ~~Indianapolis fleet services division.~~
- (4) Equal opportunity division.
- (5) ~~Real estate services division.~~
- (6) ~~Workforce development division.~~

SECTION 2. Section 221-301 of the "Revised Code of the Consolidated City and County," regarding the powers and duties of the Indianapolis fleet services division, hereby is REPEALED. The content of Section 221-301 shall be reenacted as new Section 261-304 of the Revised Code, as added by SECTION 4 of this proposal.

SECTION 3. Sections 221-501 and 221-601 of the "Revised Code of the Consolidated City and County," regarding the department of administration's real estate services division and workforce development division, respectively, hereby are REPEALED.

SECTION 4. Section 261-203 of the "Revised Code of the Consolidated City and County," establishing the divisions of the department of public works, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 261-203. Divisions.

The department of public works shall be composed of the following divisions:

- (1) The policy and planning division;
- (2) The engineering division; and

(3) The operations division; and

(4) The Indianapolis fleet services division.

SECTION 5. Article III of Chapter 261 of the "Revised Code of the Consolidated City and County," regarding the divisions of the department of public works, hereby is amended by the addition of a NEW Section 261-304, to read as follows:

Sec. 261-304. Indianapolis fleet services division.

The Indianapolis fleet services division shall:

- (1) Maintain and service, or authorize contracts or other methods of service or maintenance of, all vehicular equipment, accessories and other related equipment owned by the city;
- (2) Operate maintenance garages;
- (3) Make a determination that it is in the best interest of the city for a department of the city to lease all or a portion of that department's vehicular capital equipment or other automotive maintenance property from Indianapolis fleet services division. Upon such a determination by the administrator of Indianapolis fleet services division, the affected department and the board of that department shall cease to have the authority to acquire or approve the acquisition of the subject capital equipment or other property other than by lease from Indianapolis fleet services division. Such authority to acquire or approve the acquisition of capital equipment or other property other than by lease from the Indianapolis fleet services division may be restored by the administrator of the Indianapolis fleet services division only by a determination by such administrator that such a restoration of authority is in the best interest of the city;
- (4) Purchase and dispense fuel for authorized governmental vehicles and charge the cost of the same to the appropriate division or agency;
- (5) Establish administrative fees and charges for noncity entities that use the services of the Indianapolis fleet services division, subject to the procedures and limitations of this paragraph. The Indianapolis fleet services division shall file with the clerk of the city-county council a schedule showing each administrative fee or charge it establishes. The council may by resolution approve or disapprove the schedule or return it to the Indianapolis fleet services division for further consideration in accordance with the council's instructions. If the council disapproves the schedule, it does not take effect and the fees and charges remain as they were prior to the disapproval. If the council does not act within sixty (60) days of the date the schedule is filed with the clerk, the schedule becomes effective; and
- (6) Exercise any other powers which may be granted by statute or ordinance or delegated by the mayor.

SECTION 6. Section 241-301 of the "Revised Code of the Consolidated City and County," regarding the administration division of the department of parks and recreation, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 241-301. Administration division.

The administration division shall:

- (1) Provide management and support to the department's lines of business.
- (2) Provide support in areas of human resources and staff development, training, payroll administration, personnel policy and procedures, employee relations and labor negotiations;
- (3) Oversee the administration of all grants;
- (4) Manage all aspects of the department's management information systems; and sponsorships;
- (5) Provide all marketing, promotion and communication needs of the department, including public and media relations, printing, photography, market research, and sponsorships;
- (6) Provide a customer service and community relations operation which includes the issuance of permits and centralized registration;

- (7) Provide support in areas of purchasing, procurement, and stock inventory, ~~and fleet management~~;
- (8) Be responsible for the preparation of the budget and fiscal ordinances, as well as financial planning and analysis for the department;
- (9) Be responsible for the management of all aspects of the department's accounting and auditing systems, including the monitoring of all cash control systems;
- (10) Administer and coordinate the preparation of all contracts within the department;
- (11) Develop, implement and manage partnership programs for the department;
- (12) Coordinate department relations with the Indianapolis Parks Foundation;
- (13) Develop, implement and manage recreational program initiatives instituted through the mayor or the department director; and
- (14) Develop, implement and manage volunteer services for the department.

SECTION 7. Section 181-103 of the "Revised Code of the Consolidated City and County," regarding annual fleet inventory reports to the council, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 181-103. Vehicle inventory.

The department of ~~administration~~ public works and all appropriate county officials shall file with the city-county council an annual fleet inventory report. This report should list each vehicle's make, model, odometer reading (taken at the last vehicle transaction activity on or before May thirty-first), assigned driver (if a take-home vehicle) with information obtained from take home vehicle reports as of May thirty-first. Law enforcement personnel are excluded from the assigned driver listing. The report shall be made as of May thirty-first each year and delivered to the council office by July first each year.

SECTION 8. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 9. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 10. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

NEW BUSINESS

Councillor Cockrum said that a few years ago, the Council passed an ordinance regarding the procurement system, and he would like to call this back for discussion, as agencies are not getting their supplies in a timely fashion. President Talley asked Councillor Cockrum to get these issues to him in writing and he will speak with the administration and do some research on the problem before taking it up as Council business.

Councillor Bradford said that five of the six sets of Committee minutes in his mailbox were not approved by the Committee chair. He asked if these could be more timely and finalized in time for the full Council meetings. President Talley said that he is addressing this issue with the staff, and he accepts full responsibility, as the transition has primarily been the reason for the problem.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Councillor Boyd in memory of John Narmore; and
- (2) Councillors Randolph, Langsford and Pfisterer in memory of Rose Medvescek; and
- (3) Councillor Randolph and Langsford in memory of Frank J. Radez; and
- (4) Councillor Oliver in memory of Gary Ivan Williams, Ruby Summers, and Marguerite Cleveland; and
- (5) Councillor Nytes in memory of Mrs. Anna L. Hamilton; and
- (6) Councillor Pfisterer in memory of Adrian Floreancig; and
- (7) Councillor Gibson in memory of Edna Margaret Miller.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of John Narmore, Rose Medvescek, Frank J. Radez, Gary Ivan Williams, Ruby Summers, Marguerite Cleveland, Mrs. Anna L. Hamilton, Adrian Floreancig, and Edna Margaret Miller. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:18 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 7th day of February, 2005.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)